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The application is denied.

denied.

January 2, 2014

1/6/2014

Nelson S. Roman, U.S.D.J.

Dated: Jan. 6, 2014

White Plains, New York 10601

Defendant BANA is Granted leave to file a cross motion under 28 U.S.C. § 1927. Opposition to the cross motion is to be served on Jan. 21, 2014 and the reply is to be served on Jan. 28, 2014. All motion papers are to be filed on Jan. 28, 2014 or immediately thereafter.

Hutter v. Countrywide Bank, N.A., et al.

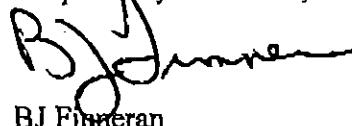
Case No. 09 CV 10092 (ER)

Dear Judge Roman:

We are counsel to defendant Bank of America, N.A., successor to named defendant Countrywide Bank, N.A. ("BANA"). BANA's deadline to serve opposition to plaintiff's motion for leave to file a fourth amended complaint ("FAC") is due January 7, 2014. As part of our opposition, it is our current intention to make a cross motion under 28 U.S.C. § 1927. Pursuant to your Individual Rules, we write to request either a pre-motion telephonic conference or simply leave to include the cross-motion.

We believe such a relief is warranted in light of the timing and content of the FAC. Further, BANA's cross motion will not result in the accompanying memorandum of law exceeding the court imposed twenty five (25) page limit.

Respectfully submitted,



BJ Finnegan

KCR:cla

cc: All appearing counsel (by facsimile)

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